Quid Novi

VOL. II NO. 13 McGILL UNIVERSITY FACULTY OF LAW DECEMBER 3, 1981

Torts, trusts & gifts watered down

BY RICHARD JANDA

Future first year common law students will be taking less Torts. In a move which met with strong disapproval from Prof. Sommerville, Faculty Council voted 9 to 7 last Thursday to drop the credit weighting of Torts from 5 to 4. Prof. Wade also had reason to be unhappy when it was decided to reduce the credit weighting of Trusts and Gifts (to be renamed Equity and Trusts) from 5 to 4. In both cases, Council was faced with deciding between competing claims as to what is "seminal" to a legal education.

The meeting culminated in a highly charged debate over the Torts motion. With half an hour left in the proceedings, Curriculum Committee Chairman Prof. Macdonald asked Prof. Sommerville if the proposed changes should be left on the table until the Faculty meeting next term. She felt that the debate might as well commence, and no one seemed to expect that a vote would take place that meeting. But when Campbell Stuart called a vote to put the question, those present, including Prof. Sommerville, elected to get the decision overwith relatively quickly.

For some on the faculty, including Profs. Sommerville and Grey, what was at issue was the status of the "traditional" or "classical" curriculum at McGill. Prof. Sommerville argued for a strong grounding in the history and development of Torts as requisite for an understanding of the present law and the direction it would take: "In order to make his innovations more acceptable and powerful, Picasso continued to demonstrate, right to the end of his career, an ability to draw in the traditional way. The same goes for work in Torts. If you can show your competence at the traditional law, your credibility as an innovator increases." Thus, enough time had to be devoted, according to her, to carry out this project. Prof. Sommerville noted that the weight given to Torts in other schools, including University of Toronto, was greater than in the McGill curriculum prior to amendment. Furthermore, the shift to a four credit course would most likely mean that Torts would be fit into one term-- a period that is inadequate, she contends, to provide "constant and sufficient exposure."

The argument presented by Prof. Macdonald (see his article within) was that there really is no such thing as a "classical" curriculum. No curriculum is written in stone. The evaluation of the Curriculum Committee was based on placing the credit weightings within the context of the whole program of the school. It was not felt that covering intentional torts and negligence merited the five credit weighting. Furthermore, a course entitled Advanced Torts was to be added that would allow further themes to be taken up. Given the rushed nature of the debate, Prof. Macdonald did not have a chance to answer Prof. Sommerville's question concerning why Contracts was not singled out along with Torts.

Prof. Wade earlier on presented a

(Continued page 7)

MOVIE REVIEW

NOT A LOVE STORY

Not a Love Story is a documentary by the National Film Board of Canada about pornography. It is an honest picture, neither prurient nor prudish. It is not a smug condemnation of a seamy segment of the population. One of the narrators is a stripper herself and defends sex clubs as an honest arena where real feelings are expressed. The statement in Not a Love Story is not that pornography is an aberration that should be outlawed, but that pornography is a mirror which gives a crude and exaggerated picture of our society but not a completely inaccurate one. Pornography is sad in what it says about us and horrible in what it does to us.

Pornographic sex is an ugly and loveless act. It is a man humiliating, hurting, silencing, desecrating a woman. It is a woman enjoying the degradation. Pornography portrays sex as evil and the evil in it as female. There must be a reason for this theme which is rarely if ever varied. While pornographic sex is horrible it is not ridiculous. It is not meaning-

(Continued page 3)

ASSOCIATE DEAN EXPLAINS

CURRICULUM CHANGES

At its meeting last Thursday, Faculty Council passed a number of motions presented in the first report of the Curriculum Committee. These motions prmarily affected the common law program, and were as follows:

1. BE IT MOVED that Property 1A and Property IIA be abolished and a new obligatory, 6 credit L.L.B. course entitled Property 1A as described in the Curriculum Committee Report, be established.

2. BE IT MOVED that Property 1VA be reduced in credit weight from three to two credits and that Trusts and Gifts I no longer be a prerequisite.

3. BE IT MOVED that Trusts and Gifts I be reduced in credit weight from five to four credits and that the resulting course be entitled Equity and Trusts, and be described as in the Curriculum Committee Report.

4. BE IT MOVED that Torts 1 be reduced in credit weight from five to four credits and that a new optional 2 credit L.L.B. course entitled Advanced Torts, as described the Curriculum Committee Report be established.

A number of students have asked me, as Chairman of the Curriculum Committee, to outline the impact of these proposals. This article is therefore intended not to justify the academic merit of the changes, but to explain their effect on issues such as compulsory credits, the number of 2 credit courses offerred, and the density of the common law program.

A. Density of the Common Law Program

If one added up the total number of private common law credits offered in the 1981-82 (comprising Property IA, IIA, IIIA and IVA, Torts, Contracts I, Civil Procedure, Commercial Transactions, Remedies, Restituion, and Trusts and Gifts) one would arrive at a total of 50 credits. This list excludes (i) private National courses with a heavy common law content such as Business Associations, Bankruptcy, Banking, Corporate Finance, Consumer Law, Intellectual Property, Private International Law, Taxation I, III, V, which add furthur 27 credits; and (ii) Public Law courses such as Foundations, Constitutional Law, Adminstrative Law, Labour Law I, II, Civil Liberties, Criminal I, II, IV, Government Control of Business, Municipal Law, Land Use Planning and Environmental Law which add another 36 credits; not to mention (iii) over 30 credits of electives, even though these are a part of our "common law" program. These totals are analogous to offerings at all other Canadian Common Law schools with 50 purely private law credits at McGill's program among the heaviest in common law weight.

While the results of the Faculty motions are to reduce by one hour the credit of Property IVA, Trusts and Torts (for a net decrease of 3 credits), they also contemplate the addition of Advanced Torts and Debtor-Creditor (L.L.B.) (for a net increase of 5 credits). Thus, if anything, the motions passed by Faculty Council permit a student to follow an even denser private law common law program of studies.

B. Compulsory Credits

A recurring theme of student input into the Curriculum Committee has been the desire to reduce the number of compulsory and quasi-compulsory course credits to permit greater felxibility in the choice of elective for upper year students. Registration statistics reveal that approximately 80% of L.L.B. students take Property IVA, approximately 95% take Trusts, and all, of course take Torts I. The reduction in credit weight for each of these courses will mean that most L.L.B. students will now have the equivalent of three extra credits which they may devote to taking National courses, other common law courses or pure electives. Thus, if anything the proposals increase the flexibility students have in course selection.

C. Two Credit Courses

Over the past few years it has been the policy of the Faculty to reduce, insofar as possible, the number of two credit courses. While the proposals apparently add two more credit courses -- Property IVA and Advanced Torts — to the L.L.B. stream which currently only has one two-credit course, Property IIIA, a realistic assessment of the proposals requires furthur observations. First, two existing two credit courses, Property IVA and Bankruptcy have been either eliminated or converted into three credit offerings. Second, with the reduction of Trusts to four credits there is now the possibility of offering this course in one semester only. When modifications to Property IA are included the equivalent of three more two credit courses from the L.L.B. curriculum will be eliminated.

Once again, rather than increasing the number of 2 credit offerings, the proposals have the effect insofar as the L.L.B. program is concerned, of not changing the number of de jure two credit courses. In addition, the recommendation that at least one section of upper year four credit courses be taught in one semester -- Trusts, Commercial Transactions, and Torts (for B.C.L. entrants) — means that the de facto number of two credit courses will be reduced by three.

D. Conclusion

The amendments to the L.L.B. curriculum adopted by Faculty Council were proposed and accepted for reasons of academic policy: the attempt to rationalize the teaching of first year Property; the desire to avoid overlap between Family Law IA and Property IVA; the goal of offering an advanced Torts course;

the object of achieving a more streamlined division of material between Trusts and Property IVA, Remedies and Property IA. All curriculum changes have an impact on student programs, and Faculty Council was desirous that its proposals did not inadvertently disrupt student course choices. The above notes reveal that, in respect of three major areas which have been the subject of student concern over the past few years, the amendments adopted are consistent with the proposals advanced by students and enhance, rather than detract from, the academic goals which they have been pursuing.

ROD MACDONALD

(Continued from page 1)

less and it can only have meaning as a reflection of an aspect if not the whole of male female interaction: the domination of women by men.

The pornography industry has always been healthy, but in the last ten years it has blossomed from a gross annual income of $5 million to $5 billion. Since 1979 the number of "men's entertainment magazines" has increased from 8 to 32. Six of those magazines are among the ten most popular sold in North America. The content of the magazines has become rougher. Pornography is a problem which is current as well as far-reaching.

Ironically, one reason for the recent proliferation of pornographic literature and entertainment is the "sexual revolution" which made sex an acceptable subject for public exposure. Another, according to David Wells, editor and publisher of 5 "girlie" magazines is the movement for equality between the sexes. Wells claims that his product fills a need in our society: "Men do not want to be equal to women; men feel threatened by successful women and they turn to pornography in which women are portrayed as submissive to reassert their threatened masculinity; and finally, pornography is an anti-woman statement." Not a very pretty analysis but hard to deny in the face of the content and readership of pornographic magazines. It is interesting that David Wells, in defending pornography inadvertently makes the most condemning comment about men to be found in the film.

Not a Love Story is made mostly by women, but it is not an anti-men statement. It is a comment on the values of our society as a whole and not just an indictment of the behaviour of men in our society. In one scene, a group of young men, "men against male violence", discuss very emotionally how pornography has affected them. They see pornography as presenting an ideal and at the same time sterile image of women and of love. This image made it difficult for them to accept a less-than-perfect woman and to have a more-than-empty relationship. They felt that pornography was a force driving people apart, isolating and alienating us each from each other.

The alienating dehumanizing effect of pornography is a recurrent theme in Not a Love Story. Robin Morgan, a poetess, told a chilling story about the Nazis in Poland during the Second World War. The Nazis encouraged the proliferation of pornography in occupied Poland in an effort to break down the sense of community among the Poles. They realized that the more they could make sex a solitary sensationalist trip rather than a human loving exchange, the more they could deaden all feeling of cohesiveness and the less likely the Poles would be to mount effective resistance. Although pornography is not a Nazi plot it still has the effect which the Nazis took advantage of: It benumbs human feeling and sensuality. The audience once numb requires greater and greater stimuli to awaken any sensation at all.

The most horrifying scenes of the movie are taken from S & M movies. In these movies women are bound, gagged and tortured. In "Busted" a man caresses a naked woman with a gun. The essence of these films is violence and they are immediately offensive. But the violence which is so crudely portrayed in movies like "Beat the Bitch" is more subtly a part of such slick productions as Penthouse and Hustler. Two cover shots one from each of these magazines show the following: a woman's legs sticking out of the top of a meat grinder; a kneeling woman in chains. These are also violent images but they are polished, camp and don't evoke the same revulsion as a shoddily-made S & M movie. However, they are just as awful, in fact more awful because Penthouse and Hustler are a part of our life every day.

Linda Tracey is exceptional. She is honest, brave and intelligent. She learns, as she says, by putting herself on the line. She is (or was at the time the movie was made) a stripper. At the beginning of the movie, she believes that what she does is not wrong. As co-narrator with Bonnie Klein she gives the movie an invaluable perspective: She neither condemns nor justifies pornography, she simply examines pornography and at the same time herself. In the second-to-last scene of the movie, Tracey allows Suze, a photographer for a pornographic magazine, to pose and photograph her. She is disgusted by the experience. In the final scene, she reads something she has written about how she felt: humiliated, like an object. It is painful for the audience to see her degraded and suffering over her degradation because by this point in the film Tracey has shown herself to be such a decent person. It is Tracey's involvement which takes the film from informative to moving.

Not a Love Story is a hopeful movie. While there may be no answers there are responses. Kathleen Barry, an author, says that while knowledge is painful, it is also better than not knowing. To know, to admit, to react, is to refuse to silently submit. Robin Morgan believes that to feel rage and to do something about it is possible, and not to hate men is also possible.

At one point, Tracey has just seen a S & M movie and she is disgusted. Klein says to her that what she does may be different but that she is still part of the whole thing. The accusation could have been turned back on Klein or on anyone else. We are all part of the whole thing.

CELIA RHEA LLB I

EDITORIAL

WHY QUID NOVI ?

Some may say that the issues which have been raised in these pages over the past term are neither exalted nor exciting. And this is, after all, a Law School newspaper: what could there be in a Law School newspaper beyond the scribblings of an eager few who want a "high profile"? It's fine to keep track of goings on around the school, but that role could be filled by announcement boards. So what have we been up to and why?

If there is one theme that has tied together our various stories, it is that our school is being forced to re-think some of its assumptions. This comes in the face of funding restrictions. This comes in the face of proposals to re-structure Bar school. This comes in the face of pressure for significant change in the National Program. Just under the surface, but increasingly coming up for air, is the question of teaching method and the general approach to the study of Law taken here. And lurking somewhere nearby is the re-current question of student participation in faculty affairs.

Funding problems are forcing the school to clarify its spending priorities. But all too often it seems that these discussions deterioriate into haggling. One faction in the faculty protects its vested interests against another. And it does not ease the process of arriving at satisfactory budgetary compromises that a good portion of intra-faculty debate takes place at the level of differing conceptions of "cultural destiny".

The avis of the Office des professions is forcing the school to clarify its solution to the problem of balancing theoretical and practical education. If we say that we do not want our school to be a "mere" technical training, we have to ask what precisely we are offering instead and why. Some of us have become more sensitive to the fact that this school has a tradition of scholarship which cannot be exposed to the risk of further erosion. And while we may not all be convinced that the balance which is struck presently is the correct one, we more generally agree that something here might be lost to technocracy.

Proposed changes to the National Program are forcing the school to clarify where it wants to stake its claim to prominence in Canadian legal education, if at all. We are told all too often that McGill affords a unique opportunity to study the two great legal traditions together, to use a double perspective in order to see further into the presuppositions behind law and the ground of legal development, and, not least, to add flexibility in approaching practical legal problems. We are also told that national lawyers can better participate in a national political community. But our school is now facing the fact that it must pour content into these claims by making the National Program work. And to do so, it must deal with the burden and blessing of having a faculty which presents, in microcosm, the Canada-Québec question.

With this range of questioning going on within the school, it should not be surprising that some professors are beginning to question pedagogical sacred cows such as the case method and positive statutory interpretation. Some are wondering out loud about whether legal education needs a transfusion from liberal education. They are wondering whether the object of law classes should not be to learn how to find good solutions to problems among human beings rather than to be simply immersed in a set of rules.

It is clear that the faculty possesses no monopoly on trying to find answers to these questions and in doing so trying to make out the future shape of the school. Students have a claim to being in on the act, not only as resident participants in the process of legal education, but also as a group of people which can bring a rich variety of backgrounds to the bear on these questions.

What should funding priorities be at this school? How technical should our training be? What is the point of a National Program? What should the aim of a legal education be? These questions, among others, can be fruitfully addressed by students and are already being addressed. Our hope for this newspaper is to provide a forum for debate on these questions. A good many "over-eager" people have worked to establish its credibility. Now we hope that it can become a resource for the use of the whole student community here.

RICHARD JANDA

THANKS

Quid Novi thanks all those people who have contributed time and effort to the paper this term. We would especially like to thank the Dean for providing the sine qua non: use of the faculty's word processors. We are also grateful to the LUS for a variety of things, including funds.

Despite the fact that some of us have been too foolhardy to do school work, we hope the rest of you aren't freaking out because of exams. You'll live. And have a good holiday afterwards. Next issue: January 7.

THE STAFF

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COMMENT
THE CONSTITUTION

Glaring Fragility

With breath-taking speed, the dénouement of the constitutional struggle has occurred. However the issue of Quebec's inherent veto is resolved, one may suggest, with some trepidation, that we will soon be blinking from the light at the end of the tunnel. Surprisingly enough I suppose, this likelihood appears to me to be all too chilling a prospect.

If we have not all been bored to death by the repetitiveness and length of the debate on the Constitution, we are now likely to be mesmerized by the sweet realization that the conclusion of the eternal Canadian dance is imminent. Unfortunately, as a result, too many of us have come to accept the Charter of Rights as a "holy grail", and patriation as the "Promised Land". Neither patriation nor the Charter of Rights is as significant as has been advertised. Worse, each has the potential to weaken our already fragile nation.

How can I say this? The fact is, one of the central aims of the current proposals has been to focus national attention on rights issues. The hope is that rights issues, because they have a powerful intrinsic appeal, will inspire a sense of national common interest sufficiently strong to overcome perennial Canadian regionalism. The idea is not illogical but it does not fit Canadian circumstances. Leaving aside any judgements of the Federal government's efforts to shift attention and energy away from the federal-provincial power struggle, there is a problem in that the theory is derived by analogy from the American polity. It is a masterful inference but a mistaken one. The mistake lies in a failure to appreciate the full effects of the rights questions on the American national scene, and in the fallacy of similarity.

First, the rights movement in the U.S. has been a major contributing force in the diffusion of authority in American politics. It has accelerated the movement away from aggregate interests, and hindered what E.E. Schattschneider called "mobilization of bias". The consequence has been the proliferation of intense single interest groups and the complementary reduction of the capacity to achieve compromise and across-the-board consensus. This has generated conflict but not a serious challenge to the legitimacy of the national government. In a country of such cohesiveness and relatively weak regional interests as the United States, a serious challenge is unlikely to arise.

In Canada, centrifugal forces are very powerful and are subject to manipulation. In the United States, centrifugal forces are less powerful, and less open to manipulation and are likely to remain so for at least many years. Although

Continued next page

Reform high on agenda

L.U.S. Council is still a fledgling Student Society. At last week's meeting only 9 of its 32 members showed up. Quorum was therefore not attained and no business could be conducted.

Despite obvious disappointment, President Campbell Stuart stated that several announcements could still be made and, coincidentally enough, began with a report on the progress of the Structural Revision Committee. This Committee has been meeting this autumn with the objective of revising the constitution of L.U.S. The Committee will be making its first report in January. Constitutional changes would be submitted to the students in a general referendum.

Since the beginning of the year, a number of Council members have been quite concerned that possible lacunae in the L.U.S. Constitution may be rendering Council an ineffective body. Their concerns revolve around a number of potential reforms.

Besides requiring revision in general matters of structure, the L.U.S. Constitution is a document that leaves much to be desired. It is incomplete and ambiguous. There is no mention of a clear power to bind the Council on any matter. (It has become the policy of recent administration to treat the Council as a policy-setting organ.) There is no recognition of the official status of both languages of the Faculty with respect to L.U.S. matters. Finally, there is little more than lip service paid to providing a clear description of the duties of various positions of the Council, for example, those of the Class Presidents.

In addition to these possible reforms, there are matters of more general concern. The committee is considering how the Council can be made more responsive. Perhaps more specific powers should be given to the Council; perhaps the Council should be trimmed down to elected members only; perhaps members of the Council should receive a firm grounding in what it means to recognize Robert's Rules of Order in the Constitution as the strict rules of procedure to be followed.

Although the Committee on revision has no concrete answers as of yet, the members are open to suggestions from all interested students. What appears to be clear at present is that the Council must have greater powers and a higher profile. Even more clear is that some reform must be effected so that Class President elections are not merely Class President acclamations.

DANNY GOGEK

the diffusion of authority may initially create national consensus, it will ultimately threaten the legitimacy and capacity of the National Government. This is a consequence Canada, as a country already divergent, can ill afford.

The fallacy of similarity is committed in the failure to recognize the fundamentally different role of the Courts in the United States and in Canada. In the United States, the focus on a positive "theory of rights" has allowed the Courts to be policy-makers. Whether Canadian Courts will achieve this degree of stature at some point in the distant future as a result of the adoption of the Charter remains to be seen. It is clear that they are not accorded such legitimacy now. Even the American people who rarely question the role of their Courts, are engaged in serious debate over the active policy making role of the Courts. This debate is a result of recent decisions on affirmative action and abortion and other contentious issues. To subject Canadian Courts to similar controversy without major reform of the appointment system and the representational quality of the Courts is likely to exacerbate the fragility of the national institutions of this country.

While I am concerned, like all Canadians, to secure rights and freedoms for Canadian citizens, I am equally concerned about the durability of the national fabric of this country. In trying to convince Canadians, the federal Liberal Party seems to have convinced itself that its constitutional proposals represent precisely those structural revisions which will protect the national fabric. Maybe it should look closer to home. Maybe it should look at itself. Lack of national representation through the Canadian party system is our glaring institutional fragility. Far from making the ground more solid, the constitutional package may apply further pressure until that fragile point gives way. And so in persuading themselves of the importance of the present constitutional scheme, our political leaders may have turned their backs on the most pressing problem.

ALAN ALEXANDROFF LLB 1

COURSE INFORMATION

LEGAL CLINIC COURSE - 496-046A or B

On Nov. 19th an article appeared in Quid Novi concerning the Legal Clinic Course. If you are interested in taking the course, here is the promised list of those Legal Aid offices interested in negotiating. You might want to get things going over the holidays. If you have any questions please see Campbell Stuart or Associate Dean Macdonald.

I) INTERESTED: CIVIL DIVISION (LEGAL AID OFFICES)

- Côte-des-Neiges
  6655 Côte-des-Neiges, Suite 405
  Montréal, H3S 2B4
  Dir. Me Ghislain Larouche
  tel. 731-3234

- Lachine
  1024 Notre-Dame
  Lachine, H8S 2C2
  Dir. Me Jean Barrière
  tel. 637-2561

- Laval-Est
  3509 De La Concorde Blvd
  Suite 207 (Duvernay)
  City of Laval, H7E 2C6
  Dir. Me Guy St-Aubin
  tel. 661-9791

- Montréal-Mercier
  6850 Sherbrooke East, Suite 350
  Montréal, H1N 3L9
  Dir. Me Claude Hargreaves
  tel. 253-2261

- Montréal-Nord
  4906 Gouin Blvd. East, 2nd Floor
  Montréal-Nord, H1G 1A3
  Dir. Me Réjean Boisclair
  tel. 326-6400

- Outrement-Park Extension
  5311 Park Ave.
  Montréal, H2V 4G9
  Dir. Me Sylviane Borenstein
  tel. 274-4486

- Plateau Mont-Royal
  4444 De la Roche
  Montréal, H2J 4G9
  Dir. Me Raymonde Poirier
  tel. 523-1163

- Rosemont
  3236 Masson, Suite 201
  Montréal, H1Y 1Y3
  Dir. Me Jeanne Michèle Toulet
  tel. 727-2805

2) INTERESTED BUT ALREADY HAVE STUDENTS

CRIMINAL DIVISION

- 800 de Maisonneuve Blvd. East
  9th Floor
  Montréal, H2L 4M7
  Directors:
  Appeals - Me Jay Rumanek
  Assizes - Me Gérard Rouleau
  Sessions - Me Jean Sirois
  Municipal - Me Pierre Denault
  tel. 842-2233

YOUTH DIVISION

- 5800 St-Denis, Suite 802
  Montréal, H2L 3L6
  Dir. Me Normand Bastien
  tel. 279-6321

N.B. These two divisions work closely with the Module Sciences juridique of U.Q.A.M. Consequently it is recommended that you try to get a place for Fall 1982 starting as soon as you can.

LEGAL CLINICS

- Pointe St-Charles
  2383 Grand Trunk,
  Montréal, H3K 1M8
  Dir. Lucille Brisson
  tel. 933-8432

- Little Burgundy
  2461 St-Jacques,
  Montréal, H3J 1H8
  Dir. Lucille Brisson
  tel. 937-8943

N.B. The above two clinics are for the purposes of this program treated as one. They were founded by McGill grads and have traditionally been the main resource for the course. They have their quota of McGill students for this year.

3) NOT YET CONTACTED

CIVIL DIVISION
(LEGAL AID OFFICES)

- Laval-Ouest
  2525 Daniel Johnson Blvd.
  Suite 370 (Chomedey)
  City of Laval, H7T 1S9
  Dir. Me Jacques Forgues
  tel. 687-4820

-- South Shore: There are a few of these offices in Longueuil and St-Hubert. We have not succeeded in getting any action out of their area director. If anyone is interested in pursuing the case in this area please see me, Campbell Stuart, and we'll do it together. Thanks.

LEGAL CLINICS

- Community Legal Centre of the South Shore
1050 Curé-Poirier Blvd. West
Longueuil, J4K 2E4
General Manager: Gilles Poussard
tel. 674-4911

N.B. Same story as above.

CAMPBELL STUART

L'ASSOCIATION DES JURISTES QUEBECOIS SE LANCE DE NOUVEAU

BY PHYLLIS MACRAE

Un nouveau groupe de juristes, qui inclut des avocats, étudiants et professeurs en droit, paralégaux et autres qui travaillent dans le domaine du droit, est récemment apparu sur la scène à Montréal. Il s'agit de l'Association des Juristes Québécois, nouvellement constituée aprés plusieurs années de vie dans les années 70. L'AJQ regroupe des gens qui partagent en commun un perspective progessiste envers la societé et un esprit critique envers le droit.

Les buts de l'organisation sont de bâtir un réseau de juristes qui veulent travailler ensemble afin d'élaborer des moyens d'utiliser le droit et des outils de l'avocat pour des fins progressistes. Les gens qui s'intéressent sont pour la plupart impliqués dans la pratique avec des groupes populaires, des syndicats, ainsi que des travailleurs non-syndiqués et des chômeurs. Ils partagent un intérêt à travailler avec des groupes qui se trouvent économiquement défavorisés et sans pouvoir politique.

Le 24 et 25 octobre s'est tenu à Montréal un colloque public de l'AJQ. Le thème du colloque était les moyens d'élaborer une pratique progessiste. Certains membres ont passé en revue les exemples du passé comme le bureau cooperatif maintenu dans les années 70 par Robert Lemieux et des autres. La pratique très chargée et politiquement active de feu Bernard Mergler était le lieu de formation de plusieurs jeunes avocats progressistes.

Les représentants des regroupements d'avocats progressistes hors du Québec avec lesquels l'AJQ maintient les relations fraternelles ont élaboré les activités et expériences qu'ont vécues leurs groupes. Il s'agisait du Law Union of Ontario, the National Lawyers Guild des Etats Unis et le Syndicat des avocats de France.

Une assemblé générale a suivi le colloque le 20 novembre durant laquelle une nouvelle constitution a été adoptée et un comité de direction a été mis en place. Me Jacques Beauchemin a été élu Sécrétaire Général.

L'AJQ est actuellement en fonction d'une façon informelle depuis le printemps de 1981. Elle maintiendra son comité de travail sur l'immigration et constituera une équipe de travail sur un bulletin d'information pour élargir le réseau et pour élaborer "une jurisprudence altérnative." L'organisation a l'intention de continuer sa pratique de prendre des positions dans certains débats publiques comme elle a fait dans le cas de la guerre civile en El Salvador. Une autre possibilité qui se présente est de fournir un service de placement pour des étudiants qui cherchent une stage ou un emploi dans une pratique altérnative. Certains membres sont en train d'organiser un regroupement des étudiants membres de L'AJQ à l'Université de Montréal.

Les frais de membres sont $5.00 pour les étudiants et dependent du revenu au cas des autres. Des gens qui s'intéressent à l'AJQ ou à ses comités peuvent communiquer avec le comité de direction à cette adresse:

Association des Juristes Québécois
CP 579
Dépôt N
Montréal, P.Q.
H2X-3M6

La prochaine réunion de l'AJQ aura lieu au mois de janvier à l'UQAM, Dépt. de Sciences Juridiques.

(Continued from page 1)

carefully prepared statement concerning the proposed change of Trusts and Gifts. Prof. Wade's prefered scheme would have been to create two new courses of three credits each entitled Equity and Trusts. But he had been informed that, given budgetary considerations, if an Equity course were offered separately, it would probably be the only one of the two taught. Consequently, he was satisfied to maintain the present course weighting. Anything less would decrease the efficacy with which certain themes, especially that of the relation between equity and common law which receives no other systematic treatment, But given the re-arrangement of the property courses (which had just been approved), some material from the present Trusts and Gifts course would be extracted. As a result, change seemed inevitable and Prof. Wade was put in the position of reluctantly abstaining on the motion.

The debate was marked by a pointed exchange between Prof. Buckley and Prof. Wade. Prof. Buckley suggested that the five credit weighting for the course had only been allowed because of the man who had previously taught the course. Prof. Wade wished to make clear that the debate was to be decided on the merits of his own reasons for teaching a five credit course.

Prof. Grey opposed the motion on the grounds that it was another example of the the creeping influence of "Osgoodeians". He felt that a solid grounding in Equity was a prime objective of a legal education, as was a grounding in Torts. He found the dilution of these areas unjustified.

Prof. Macdonald explained that the alteration of Trusts and Gifts fit together with the re-structuring of common law property courses. Property IA and IIA will be amalgamated next year into one six credit course. Property IVA will become a two credit course, despite the objections of some student members of Council to the proliferation of two credit courses.

Further curriculum changes will be debated next term, including the major revision to the National Program being considered by the Curriculum Committee.

BOOK REVIEW

THE SIXTIES REVISITED

Last month, when three members of the radical Weathermen surfaced in Nyack, New York, to kill three people in an illfated robbery attempt, the American conscience was once more allowed to reflect upon that turbulent time when American history was dominated by protest and violence. Although the literature about this period is filled with subjective sources of information from those who participated firsthand, few works endeavor to deal with the sixties as a whole. The one source which does accomplish this is Milton Viorst's Fire in the Streets (Simon and Shuster, 1979).

Mr. Viorst has written a spellbinding account of this controversial decade on the basis of interviews of fourteen individuals who were at the forefront of the many movements. Mr. Viorst begins chronologically with the values and expectations of the late fifties; and he then isolates twelve important points of departure including John Lewis and the sit-ins, Tom Hayden and the creation of Students for a Democratic Society (SDS), Bayard Rustin and the March to Washington, Al Lowenstein and the Dump Johnson movement, and many more. Each section is vividly developed and captures the spirit of the times. While Mr. Viorst moves from one event to the next without incorporating them together, his work is a comprehensive study of the whole period. His description of the decade communicates its contradictory aspects, its drama, its range of personalities and ideas, and especially its explosiveness, all of which made up the richness and complexity of the period.

But Mr. Viorst's work transcends the history of the sixties: it is a study of discontent, a study of how people face adversity. Through many character studies, one discerns the qualities, the nature, and the motivations of those people whose lives became embroiled in a cause. Some of these causes can objectively be disregarded as counterproductive in a democratic society while others cannot. And for those causes which were planned and developed within a democratic sphere such as the Civil Rights movement, one cannot help but feel a sense of greater social responsibility which emanates from the soul of those men who wholeheartedly embraced the cause. This becomes ever more apparent as we contrast our present day attitude to that of the prime movers of the sixties. In comparison our seemingly self-centered values of the 1980's do not provide much hope for social justice and for social change which the idealism of the 1960's attempted and accomplished to certain degrees.

Mr. Viorst's work portrays many lawyers who were an active part of the sixties. From an apartment on West 85th in New York, Al Lowenstein single-handedly started the Dump Johnson movement which eventually succeeded. Though in general we do not embody the spirit of the sixties anymore, there is still a heavy burden upon the legal profession to remain progressive. For when it becomes stagnant it becomes unjust. And injustice leads to the loss of equity, the loss of democracy. The legal profession in the 1960's was the guiding light for the Civil Rights movement through the Legal Defense Fund, the force behind legal aid, and the force behind the equalization of justice through a greater recognition of minority rights. There was a burden upon many lawyers in the profession who saw their role not as a bread winner but as one of responsibility in maintaining justice. When a lawyer starts worrying only about dollars and profit then somewhere along the line justice becomes subverted.

What Mr. Viorst has analyzed in Fire in the Streets is the spirit that is missing today. Our self-centeredness has led to our short-sighted social goals. The most profound changes of the sixties were accomplished through the legal process. And as lawyers there is a responsibility that is lacking and ever the more needed today in the face of retrenchment and neoconservativism. Fire in the Streets reveals the nakedness of the eighties by repesenting in stark contrast the rich dialogue and social responsibility of the sixties which strove toward an equalization rather than a polarization of societal interests.

DEMETRIOS G. XISTRIS BCL I